

## **REMARKS**

This Amendment responds to the Office Action mailed on July 21, 2008. Claim 37 is canceled by this Amendment. Reconsideration of the remaining claims is respectfully requested in light of the above amendments and the following remarks.

### ***Examiner Interview***

The undersigned thanks Examiner Noonan for the courtesies extended during a telephone interview on October 3, 2008. During the interview the cited Kasriel (U.S. 6,721,780) was discussed along with independent claim 1. The remarks contained herein further summarize the interview.

### ***Claim Rejections – 35 U.S.C. 103***

The claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kasriel (U.S. 6,721,780), Desai (U.S. 6,871,218), Codella (U.S. 7,003,566) Beyda (U.S. 2003/0061451), and Smith (U.S. 6,742,033). The Applicant respectfully submits that these rejections are overcome by the above amendments to the independent claims.

The pending independent claims (1, 21, 29 and 32) have been amended to include the limitations of dependent claim 37. Canceled dependent claim 37 specified that the mobile device transmits a successful prediction notification to the state prediction module if the user makes the new request during the time period. For example, claim 1 has been amended to require that “the mobile device is configured to transmit a successful prediction notification to the state prediction module indicating that the user has made the stored data request during the time period.” Similar limitations have also been added to independent claims 21, 29 and 32.

The Examiner rejected dependent claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Kasriel. The Examiner cited to col. 8, lines 7-13 which state that “the pre-

download device 140 determines a set of statistics associated with actual requests from one or more users at Web client 110, and outputs that set of statistics to the pre-download statistics server.” The Applicant respectfully disagrees with the Examiner’s rejection because Kasriel does not teach or otherwise suggest the end-user device sending a successful prediction notification to the state prediction module indicating that the user has made the stored data request *during the time period* as recited in now-canceled claim 37. In Kasriel, the pre-download device is an intermediary server between the end-user and the Web host that sends requested page data to the pre-download server. Col. 4, ll. 20-34. Contrary to the present application, in Kasriel there is no sending of information regarding download statistics from the end user. The pre-download device merely records the requests from the Web client and maintains them in a queue. Col. 5, ll. 23-26, 38-41. Further, Kasriel does not teach or otherwise suggest a successful prediction notification that is sent *during a specified time period*. The device in Kasriel merely intercepts requests from the web server and records them in a log. Col. 7, ll. 43-57. Kasriel does not pre-download any objects based on a specified time period. Therefore, Kasriel fails to teach or suggest the limitations of now-canceled claim 37, and the Applicant has overcome the Examiner’s rejection.

Moreover, as noted above in Kasriel, Desai, Smith, and Beyda also fail to teach or otherwise suggest anything similar to the end-user device sending a successful prediction notification to the state prediction module indicating that the user has made the stored data request during the time period as recited in now-canceled claim 37. Desai tracks the history of pages requested by the remote computer and retrieves that file from accessing the remote computer. Col. 3, ll. 20-51. However, the end-user device does not initiate the sending of any information during a specified time period. Similarly, Smith updates a historical usage pattern

based solely off the number of requests made by the user, and not based on a specified time period. Col. 7, ll. 62-67, col. 8, ll. 1-7. Beyda utilizes the local server to track the hit rate of pages visited by the user and does not receive any notifications from the user. Par. [0021]. Accordingly, as none of the cited references teach or otherwise suggest an end-user device sending a successful notification to the state prediction module, one of ordinary skill in the art would not find it obvious to utilize the end-user device to send a notification to the state prediction module during a specified time period. Therefore, the Applicant has traversed the Examiner's rejection of dependent claim 37. As the subject matter of dependent claim 37 has been incorporated into independent claims 1, 21, 29 and 32, the Applicant submits that claims 1, 7-9, 21-33, 35, 36, and 38 are patentable over the cited references and are in condition for allowance. Dependent claim 38 has been amended to be dependent on independent claim 1, and is thus in condition for allowance.

### *Conclusion*

For at least the above reasons, the applicant respectfully submits that the pending claims are patentable over the cited references and are in condition for allowance. The Examiner is invited to call the undersigned if a telephone call could help to resolve any remaining issues.

Respectfully submitted,

JONES DAY

---

Joseph M. Sauer (Reg. No. 47,919)  
Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506